THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12188 OF 2005

DATED 25th AUGUST, 2006

BETWEEN

PVHA Razac Miah

… Petitioners

and

The Mandal Revenue Officer, Nandyal, Kurnool District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12188 OF 2005

ORDER:

The writ petition is filed praying for a writ of Mandamus declaring the inaction of the respondents in eviction of the encroachment made in the petitioner's land and the conversion of the land in survey No.1918 of Nandyal town as road Poramboku by cancellation of the possession certificate as illegal, arbitrary and unconstitutional. Though the interlocutory matters are listed, the matter is heard finally and is being disposed of by this order.

The petitioner is Muthavali of Chowk Mosque in Nandyal town. He is aggrieved by the encroachments made on the wakf property in survey No.1918. He approached the respondents for appropriate action to remove the encroachments, in vain. Therefore, he filed the present writ petition seeking appropriate orders.

The petitioner is Muthavali and therefore, it is appropriate for him to take necessary action for removal of the encroachments. However, under Section 54 of the Wakf Act, 1995, powers are conferred on the Chief Executive Officer of A.P.Wakf Board to take necessary action. The petitioner, therefore, is given liberty to approach the Chief Executive Officer for removal of the encroachment, if he has not already approached. As and when such a representation is made, Chief Executive Officer shall take necessary action in accordance with section 54 of Wakf Act.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

25.08.2006.
pln